

# Exhibit 24



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# Transcript of Daniel Patrick Burke

**Date:** January 20, 2023

**Case:** XR Communications, LLC -v- Amazon.com, Inc., et al.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

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1	individuals at XR who you communicated with?	12:35:16
2	A Just repeat it or somebody read that	12:35:23
3	back?	12:35:25
4	Q Do you -- sure. Do you recall the	12:35:27
5	names of any individuals at XR Communications who	12:35:28
6	you communicated with?	12:35:32
7	A I believe the two that I communicated	12:35:41
8	with initially were Kai Hansen and Adrian Zajac.	12:35:43
9	Q Okay, did you eventually communicate	12:35:52
10	with any other individuals at XR Communications?	12:35:56
11	A Yes.	12:36:05
12	Q Do you recall those names?	12:36:05
13	A No.	12:36:06
14	Q What did XR Communications hire you to	12:36:11
15	do?	12:36:14
16	A They hired me to help them with an	12:36:15
17	agreement in which they were acquiring some patent	12:36:21
18	properties.	12:36:25
19	Q Did your work for XR Communications	12:36:33
20	involve any other tasks?	12:36:35
21	A Yes.	12:36:39
22	Q And what were those?	12:36:41
23	A I helped them with some patent	12:36:46
24	prosecution.	12:36:48
25	Q And that was prosecution of the patent	12:36:52

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1	properties that they acquired?	12:36:55
2	A Some of them I believe, yes.	12:36:57
3	Q When did your work for XR	12:37:10
4	Communications end, approximately?	12:37:12
5	A The latter half of 2011, I believe.	12:37:18
6	Q So approximately how long did you do	12:37:33
7	work for XR Communications?	12:37:35
8	A Short of two years. Less than two	12:37:39
9	years.	12:37:41
10	Q Why did your work for XR Communications	12:37:46
11	end?	12:37:49
12	MS. CHAN: I would caution the witness	12:37:51
13	not to reveal the substance of any attorney-client	12:37:52
14	communications, but you can generally respond.	12:37:54
15	THE WITNESS: I don't think it was ever	12:38:07
16	said, but I made clear that I was not expert in	12:38:08
17	the technology. And it wasn't long after that,	12:38:11
18	that I was transferring the finals to another	12:38:17
19	firm.	12:38:19
20	The prosecution, I think, was flowed	12:38:24
21	after we did that purchase agreement, which I had	12:38:28
22	no qualms in handling that. But getting into the	12:38:31
23	prosecution I was relying entirely on them for the	12:38:39
24	substance or the technical aspects of responses to	12:38:43
25	the patent office.	12:38:52

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1	BY MR KOHLHEPP:	12:38:54
2	Q So fair to say that the subject of the	12:39:10
3	patents that you were prosecuting for XR was not	12:39:11
4	in the area of your technical expertise?	12:39:17
5	MR. BARHAM: Objection to form; you can	12:39:23
6	answer.	12:39:24
7	THE WITNESS: Generally, yes.	12:39:24
8	BY MR KOHLHEPP:	12:39:25
9	Q And for that reason you didn't feel	12:39:35
10	comfortable prosecuting patents for XR	12:39:41
11	Communications?	12:39:45
12	MR. BARHAM: Objection to form. You	12:39:48
13	can answer.	12:39:49
14	THE WITNESS: I wouldn't say that. I	12:39:52
15	would say I was relying upon technical people at	12:39:54
16	XR for everything technical.	12:39:59
17	BY MR KOHLHEPP:	12:40:18
18	Q Did you ever do work for an entity	12:40:19
19	called Aequitas?	12:40:21
20	A I don't know. I don't know who all the	12:40:25
21	players were. I mean the name's somewhat	12:40:27
22	familiar, but I don't know if I ever -- if they	12:40:29
23	were ever Aequitas that I was representing or the	12:40:32
24	people that I was representing were always XR. I	12:40:34
25	just don't remember.	12:40:39

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1	BY MR KOHLHEPP:	01:51:09
2	Q Is it possible that you relied on the	01:51:10
3	statement of Mr. Schwedler that the delay during	01:51:11
4	that period was unintentional?	01:51:16
5	MS. CHAN: Objection to form.	01:51:22
6	THE WITNESS: It's possible that I	01:51:26
7	relied on communications with him and other	01:51:27
8	people.	01:51:34
9	So if -- I'm just trying to define the	01:51:41
10	parameters of your question. Are you saying -- I	01:51:42
11	don't know if you're asking is it possible that I	01:51:43
12	relied exclusively on him or is it him and others?	01:51:46
13	The bottom line is I don't remember,	01:51:53
14	but I'm sure a lot of things are possible.	01:51:54
15	BY MR KOHLHEPP:	01:51:58
16	Q What did you rely on as the basis for	01:52:00
17	asserting that the delay from June of 2008 through	01:52:05
18	early December 2009 was unintentional?	01:52:08
19	A Sitting here today, I don't remember.	01:52:13
20	Q What did you do to investigate whether	01:52:19
21	the delay from June of 2008 through early	01:52:23
22	December 2009 was unintentional?	01:52:27
23	A I don't remember.	01:52:31
24	Q Did you talk with Mr. Schwedler?	01:52:38
25	A I don't remember speaking to Mr.	01:52:42

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1	Schwedler.	01:52:44
2	Q Do you recall communicating with anyone	01:52:54
3	else about the circumstances of why no office	01:52:55
4	action response was filed in June of 2008 through	01:53:02
5	December 2009 in the '329 application?	01:53:05
6	MR. BARHAM: Object to the form. You	01:53:09
7	can answer.	01:53:14
8	THE WITNESS: Can you just give me the	01:53:14
9	question back again, please? I'm not asking you	01:53:16
10	to change it; I just want to make sure I have it	01:53:20
11	clear.	01:53:23
12	BY MR KOHLHEPP:	01:53:23
13	Q Do you recall communicating with anyone	01:53:24
14	else about the circumstances of why no office	01:53:27
15	action response was filed during the time period	01:53:30
16	of June 2008 through December 2009, in the matter	01:53:33
17	of the '329 application?	01:53:38
18	MS. CHAN: Objection to form.	01:53:50
19	THE WITNESS: I have a vague	01:54:12
20	recollection of working on the -- whatever is	01:54:13
21	called the purchase agreement for the patent	01:54:14
22	properties.	01:54:16
23	There's a representation in there about	01:54:17
24	representations made to the patent office, I	01:54:18
25	believe. I believe I would have been the one to	01:54:20

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1	put that in there because I was representing XR.	01:54:27
2	There's nobody else -- I mean the	01:54:33
3	other -- I don't recall anybody else working on	01:54:34
4	that agreement on our side, so to speak. I'm sure	01:54:36
5	I communicated with the clients and I know the	01:54:40
6	other side wouldn't have voluntarily put it in	01:54:48
7	there.	01:54:51
8	I think we started with something that	01:54:51
9	really didn't get the job done, so I think there	01:54:54
10	was a lot of re-drafting of wherever we started.	01:54:56
11	That's -- it's a very vague recollection, and it's	01:55:02
12	very general, but that's all I really remember and	01:55:06
13	I'm not saying that's everything but I think it's	01:55:16
14	responsive to your question. And as far as who I	01:55:18
15	was communicating with, I don't remember.	01:55:21
16	I'm sure they had counsel on their	01:55:27
17	side. Well, I'm not sure but I guess they did. I	01:55:28
18	really don't know. I could have been dealing with	01:55:33
19	the principals on the other side. I just don't	01:55:35
20	know. That would have been unusual.	01:55:37
21	BY MR KOHLHEPP:	01:55:43
22	Q So you are referring to a	01:55:43
23	representation about a representation made to the	01:55:44
24	patent office. What do you mean by that?	01:55:46
25	A I recall there's something in the	01:55:52



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1	purchase agreement saying that representations	01:55:54
2	made to the patent office were accurate.	01:55:59
3	Something to that effect. I'm sure you have	01:56:09
4	the -- I assume you have the document.	01:56:12
5	Q Okay, are you saying that's what you	01:56:14
6	relied on in making your representation to the	01:56:15
7	patent office, that the entire period of delay in	01:56:20
8	the '329 application was unintentional?	01:56:25
9	A No, sir.	01:56:33
10	MR. BARHAM: Objection, that misstates	01:56:34
11	his prior testimony.	01:56:35
12	BY MR KOHLHEPP:	01:56:36
13	Q Okay, what did you rely on in making	01:56:36
14	that representation to the patent office?	01:56:38
15	A I don't recall.	01:56:40
16	MR. BARHAM: Objection to the prior	01:56:43
17	question as asked and answered.	01:56:44
18	BY MR KOHLHEPP:	01:57:17
19	Q Do you have any recollection of doing	01:57:18
20	your own independent investigation into the	01:57:19
21	circumstances of how the '329 patent application	01:57:24
22	became abandoned?	01:57:29
23	A I really don't understand the question.	01:57:41
24	What do you mean by my own independent	01:57:43
25	investigation? It wasn't like I was digging for	01:57:46

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1	something to try to find a, you know, a weapon or	01:57:50
2	something, right? It's like anything I did for	01:57:54
3	that prior time period would be relying upon what	01:57:59
4	other people told me, right. Just because I	01:58:03
5	wasn't there, it wasn't like this was an	01:58:09
6	application that my office or that we had dropped	01:58:12
7	the ball on that we'd have to re-launch.	01:58:14
8	I'm just saying that clearly we had to	01:58:19
9	rely on somebody or somebodies so...	01:58:20
10	Q My question is: What did you rely on?	01:58:26
11	Was it something somebody told you?	01:58:28
12	A I don't remember.	01:58:31
13	MS. CHAN: Asked and answered.	01:58:35
14	BY MR KOHLHEPP:	01:58:44
15	Q At the time that you made the statement	01:58:45
16	to the patent office on the second page of Burke	01:58:48
17	Exhibit 4, that the entire delay from June of 2008	01:58:54
18	through November 8th, 2010 was unintentional, did	01:59:01
19	you know why the '329 application had gone	01:59:05
20	abandoned?	01:59:08
21	A I don't remember anything about that, I	01:59:11
22	really don't.	01:59:14
23	Q Sitting here today, do you know why the	01:59:16
24	'329 application had gone abandoned?	01:59:19
25	A We saw something that says somebody	01:59:26

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1	really no way that that would have been covered in	03:23:01
2	here or one of these, that part of it. But I	03:23:04
3	think you also referred to power of attorney.	03:23:11
4	They had a power of attorney that	03:23:14
5	probably listed that application, and that was	03:23:15
6	earlier. I don't know. I mean could that have	03:23:17
7	been included in one of these invoices? Maybe.	03:23:20
8	Q So, Mr. Burke, sitting here today can	03:23:33
9	you identify anything specific that you did to	03:23:35
10	investigate circumstances of how the '329 patent	03:23:42
11	application became abandonment?	03:23:45
12	MR. BARHAM: Objection to form. You	03:23:49
13	can answer.	03:23:50
14	THE WITNESS: Just give me that	03:23:55
15	question again, please?	03:23:56
16	BY MR KOHLHEPP:	03:23:58
17	Q Sitting here today can you identify	03:24:01
18	anything specific that you did to investigate the	03:24:02
19	circumstances of how the '329 patent application	03:24:06
20	became abandoned?	03:24:09
21	MR. BARHAM: I'm going to object to the	03:24:12
22	question. Are you asking for his recollection?	03:24:13
23	Do you ever want to hear about his practice, what	03:24:14
24	his practice would have been or is that not	03:24:19
25	interesting to you.	03:24:20

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1	MR KOHLHEPP: Counsel, please eliminate	03:24:22
2	the speaking objections. The question was clear	03:24:24
3	and if Mr. Burke can answer it, he can answer it	03:24:27
4	and I'll just ask it again.	03:24:29
5	BY MR KOHLHEPP:	03:24:31
6	Q Mr. Burke, please answer if you can.	03:24:33
7	Sitting here today, can you identify	03:24:37
8	anything specific that you did to investigate the	03:24:38
9	circumstances of how the '329 patent application	03:24:41
10	became abandoned?	03:24:45
11	A The only thing that comes out of all	03:24:53
12	this -- I mean, I don't remember what I did back	03:24:55
13	then, in one way or the other, but the only thing	03:24:58
14	that comes out of all this we talked -- you know,	03:25:01
15	we referred to already -- we didn't talk about a	03:25:02
16	lot, but I think there was a representation in the	03:25:05
17	purchase agreement. That's the only thing I can	03:25:10
18	see or -- I really, don't have any recollection of	03:25:15
19	what happened, you know. What are we talking 11	03:25:19
20	years ago or something, 12 years ago, but the only	03:25:22
21	thing I can remember that, you know, sort of	03:25:28
22	relates to this at all or could relate to it is	03:25:30
23	that representation.	03:25:33
24	Q What was the representation?	03:25:36
25	A You'd have to look at the agreement or	03:25:39

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1	show me the agreement. I could find it for you,	03:25:42
2	but it was to the effect that what previous people	03:25:45
3	had said to the patent office was true and	03:25:48
4	correct. Something like that.	03:25:50
5	Q So you rely on --	03:25:56
6	A No, I'm not saying I relied on it, but	03:25:57
7	it could have -- that could have been something I	03:25:59
8	relied on in part. I don't know.	03:26:02
9	Q I'm asking: Did you rely on that?	03:26:06
10	A I don't remember.	03:26:08
11	Q Okay, so other than a representation in	03:26:13
12	the purchase agreement that you may or may not	03:26:21
13	have relied on, can you identify anything else,	03:26:25
14	sitting here today, that you did to investigate	03:26:30
15	the circumstances of how the '329 patent	03:26:32
16	application became abandonment?	03:26:35
17	A No, I could just tell you -- no, the	03:26:39
18	answer is no. I could tell you what my general	03:26:41
19	practice is, but the answer to my question is	03:26:44
20	"no."	03:26:47
21	Q And you would agree we've looked at a	03:27:09
22	fair number of documents today, correct?	03:27:10
23	A Excuse me?	03:27:12
24	Q You would agree that we've looked at a	03:27:14
25	fair number of documents today, correct?	03:27:16

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1	A	I wouldn't characterize it that way.	03:27:19
2	Q	We've looked at documents today,	03:27:21
3		correct?	03:27:23
4	A	We have.	03:27:24
5	Q	And none of those documents refreshed	03:27:25
6		your recollection about anything specific you may	03:27:35
7		have done to investigate the circumstances of how	03:27:37
8		the '329 patent application became abandonment?	03:27:40
9	A	That's correct.	03:27:47
10	Q	Let's put up tab 15 and mark that as	03:28:28
11		Burke Exhibit number 11.	03:28:31
12		(Whereupon, Burke Deposition Exhibit 11	03:28:32
13		was marked for identification and attached	03:28:32
14		to the transcript.)	03:28:32
15		BY MR KOHLHEPP:	03:29:10
16	Q	Mr. Burke I'll represent that this was	03:29:11
17		one of the documents that your counsel produced to	03:29:14
18		us. And my question is: Do you recognize this	03:29:16
19		document?	03:29:22
20		THE WITNESS: No, the only thing that	03:31:29
21		seems vaguely familiar is the name of the county	03:31:31
22		and I don't know why.	03:31:33
23		BY MR KOHLHEPP:	03:31:34
24	Q	But otherwise you do not recognize	03:31:36
25		Burke Exhibit 11?	03:31:39

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1	A	I wouldn't say "many" but clearly some.	04:18:20
2	Q	And in the times that you have trained	04:18:25
3		other attorneys do you tell them that it's	04:18:29
4		important to try to stay knowledgeable about the	04:18:35
5		rules of practice and procedure governing the	04:18:37
6		prosecution of patents with the patent office?	04:18:40
7	A	I don't remember ever saying that.	04:18:45
8	Q	But, generally speaking, would you say	04:18:51
9		that's a best practice that you would advise?	04:18:54
10	A	Sure, in any field, yes. You want to	04:19:00
11		keep up on what's going on.	04:19:02
12	Q	I'm going to turn back to one of the	04:19:05
13		exhibits that we reviewed earlier.	04:19:06
14		If someone could please pull up on the	04:19:12
15		screen Exhibit 9 and make sure to give Mr. Burke	04:19:14
16		control of the exhibit. I do not have control of	04:19:17
17		the exhibit, so I have to ask if somebody can	04:19:27
18		please share the screen.	04:19:29
19		Thank you. Okay, Mr. Burke, do you	04:19:31
20		recall looking at this exhibit earlier?	04:19:37
21	A	I remember looking at it earlier today.	04:19:53
22	Q	And is this the letter from the patent	04:19:55
23		office granting your petition to revive '329	04:19:57
24		application?	04:20:01
25	A	As best I can tell, it's part of it.	04:20:03

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1	Q	I'm going to direct your attention to a	04:20:08
2		more specific part of it.	04:20:10
3		If you can scroll down to that final	04:20:13
4		paragraph shown there. And read -- I'll direct	04:20:15
5		you to the second sentence that begins with:	04:20:23
6		"Nevertheless such statement is being	04:20:26
7		treated as having been made, as a result of a	04:20:28
8		reasonable inquiry into the facts and	04:20:31
9		circumstances of such delay." [As read.]	04:20:34
10		Do you understand that the reference to	04:20:40
11		"such statement" is the Statement of Unintentional	04:20:42
12		Delay that is made in the petition to revive a	04:20:44
13		patent application?	04:20:49
14	A	Yes.	04:20:51
15	Q	And is it your understanding that the	04:20:53
16		patent office, therefore treats a Statement of	04:20:58
17		Unintentional Delay in a petition to revive, as	04:21:01
18		made pursuant to a reasonable inquiry into facts	04:21:06
19		and circumstances of delay?	04:21:09
20	A	Yes.	04:21:12
21	Q	So, in your practice do you generally	04:21:18
22		try to conduct a reasonable inquiry into the facts	04:21:20
23		and circumstances of any delay that leads to the	04:21:23
24		abandonment of a patent application?	04:21:32
25	A	Other than this application, any time	04:21:36

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1	this -- an application has gone abandoned, I just	04:21:39
2	knew immediately or upon conferring with somebody	04:21:43
3	with in my office, we knew immediately what	04:21:47
4	happened.	04:21:49
5	So if you want to call that a	04:21:50
6	reasonable inquiry, yes. But like I said, on	04:21:52
7	other applications that have gone abandoned that	04:22:00
8	I've been involved in reviving, to the best of my	04:22:03
9	recollection we dropped the ball, so we knew	04:22:06
10	exactly what happened, and we knew whether it	04:22:09
11	was -- we knew in the instances where we revived	04:22:14
12	them, we knew it was unintentional.	04:22:17
13	Sometimes things go abandoned and you	04:22:21
14	don't revive them because you know it was not	04:22:24
15	unintentional.	04:22:26
16	Q Do you generally -- oh, go ahead. I	04:22:33
17	don't want to go interrupt you.	04:22:34
18	A No, you're good. I think that was	04:22:37
19	addressed to, you know, whether that's a	04:22:38
20	reasonable inquiry or not.	04:22:41
21	I don't even know if it would amount to	04:22:43
22	an inquiry.	04:22:47
23	You just knew on a quick look that	04:22:48
24	something was docketed wrong, etcetera.	04:22:50
25	Q Thank you, Mr. Burke, I have no further	04:22:54

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1	questions.	04:22:56
2	THE VIDEOGRAPHER: Okay, anything else	04:23:07
3	for the record?	04:23:07
4	MS. CHAN: Is there any other defense	04:23:09
5	counsel that has questions? No. I just have a	04:23:10
6	couple, but it would be helpful if we could just	04:23:15
7	take a ten-minute break, so I could collect my	04:23:21
8	thoughts. Can we go off the record?	04:23:25
9	THE VIDEOGRAPHER: Going off the record	04:23:27
10	at 16:23.	04:23:29
11	(Recess taken 4:23 p.m. to 4:32 p.m.)	04:23:30
12	THE VIDEOGRAPHER: Please stand by.	04:32:38
13	Back on record, 16:32.	04:32:43
14	FURTHER EXAMINATION	04:32:45
15	BY MS. CHAN:	04:32:49
16	Q Thank you for your time today,	04:32:50
17	Mr. Burke.	04:32:51
18	I just have a couple of clarifying	04:32:52
19	questions for the record and hopefully we can wrap	04:32:54
20	up within a few minutes.	04:32:56
21	Mr. Burke, just to start with an easy	04:33:01
22	question: We are now in the year 2023, correct?	04:33:03
23	A Yes.	04:33:06
24	Q Your representation of XR	04:33:07
25	Communications occurred roughly 13 years ago?	04:33:09

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## Transcript of Daniel Patrick Burke

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1	A	Yeah, roughly.	04:33:15
2	Q	And fair to say you do not have	04:33:17
3		specific recollections of particular conversations	04:33:20
4		or actions that you performed from that time	04:33:23
5		period 13 years ago, correct?	04:33:26
6	A	That's correct.	04:33:28
7	Q	And I know you've said this quite a few	04:33:31
8		times today already, but just so the record is	04:33:32
9		clear, many times in today's deposition you would	04:33:36
10		respond to counsel's questions with "I don't	04:33:39
11		recall" or "I don't remember." Do you recall	04:33:42
12		doing that?	04:33:46
13	A	I do.	04:33:46
14	Q	So just to be clear for the record,	04:33:47
15		when you gave that response, you were not	04:33:49
16		testifying that something affirmatively did or did	04:33:51
17		not occur; is that fair?	04:33:54
18	A	That's correct.	04:33:57
19	Q	Rather, you gave those responses to	04:33:59
20		indicate that sitting here today, you do not have	04:34:01
21		a specific recollection of whether or not those	04:34:04
22		actions occurred, true?	04:34:07
23	MR KOHLHEPP:	Object to form.	04:34:15
24	THE WITNESS:	As I understand the	04:34:17
25		question, that's true. It's correct.	04:34:18

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1	BY MS. CHAN:	04:34:24
2	Q For example, you do not have a specific	04:34:24
3	recollection of whether or not you spoke with	04:34:26
4	certain individuals back in 2009 or 2010, true?	04:34:29
5	MR KOHLHEPP: Objection to form.	04:34:37
6	Mischaracterizes the testimony.	04:34:37
7	BY MS. CHAN:	04:34:44
8	Q I missed your response, Mr. Burke.	04:34:45
9	A That's correct.	04:34:47
10	Q So it's fair to say that it is possible	04:34:56
11	you may have spoken with the numerous individuals	04:34:57
12	and entities we went through today. You just do	04:34:59
13	not recall one way or another, sitting here today?	04:35:03
14	MR KOHLHEPP: Object to form.	04:35:08
15	Mischaracterizes testimony.	04:35:09
16	THE WITNESS: That's correct.	04:35:14
17	BY MS. CHAN:	04:35:26
18	Q And earlier today in response to some	04:35:27
19	questions about your investigation into the	04:35:28
20	abandonment of the '329 patent application, you	04:35:28
21	mentioned that you had a general practice. Do you	04:35:32
22	recall talking about that?	04:35:34
23	MR. BARHAM: Object to form.	04:35:41
24	Mischaracterizes testimony.	04:35:41
25	THE WITNESS: I had a general practice	04:35:45

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1	about dealing with all issues, all legal issues.	04:35:46
2	BY MS. CHAN:	04:35:48
3	Q Would you agree that your general	04:35:49
4	practice is to follow the PTAB rules and	04:35:50
5	procedures?	04:35:53
6	A No, I wouldn't say -- I wouldn't say	04:35:54
7	the PTAB. I would say the PTO.	04:35:56
8	Q I apologize. Thank you for that	04:36:01
9	correction.	04:36:04
10	A You know, as well as any -- as well as,	04:36:04
11	you know, the research could extend beyond the	04:36:06
12	MPEP and into decisions.	04:36:11
13	Q So, if the P -- I'm sorry, I	04:36:15
14	interrupted. Go on.	04:36:18
15	A Well, if we did research on an issue,	04:36:19
16	it could extend beyond the, you know, the	04:36:22
17	patent -- well, we're just talking about the	04:36:25
18	patent side of the PTO, so beyond the MPEP into	04:36:29
19	court decisions.	04:36:38
20	If we research an issue, we research an	04:36:40
21	issue. It was our practise to research, see what	04:36:44
22	we had to do and to do it.	04:36:44
23	Q You would agree that if the PTO	04:36:47
24	required you to conduct an investigation or	04:36:49
25	instructed you to conduct an investigation, your	04:36:51

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1	general practice is to follow what the PTO	04:36:53
2	required or instructed you to do?	04:36:57
3	A Yes.	04:36:59
4	Q Counsel for Apple also asked you a	04:37:05
5	series of questions, asking you to specifically	04:37:07
6	point her to documents reflecting your	04:37:10
7	investigation into the abandonment of the '329	04:37:11
8	application; do you recall those questions?	04:37:16
9	A Generally.	04:37:19
10	Q In preparation for your testimony here	04:37:20
11	today is it accurate to say that you did not	04:37:22
12	research and review every single document in your	04:37:25
13	possession to figure out what investigation you	04:37:27
14	actually performed back in 2009 and 2010?	04:37:30
15	A That would be fair to say, yes.	04:37:34
16	Q Would it also be fair to say that you	04:37:37
17	do not necessarily have every single document that	04:37:39
18	would have reflected your investigation that you	04:37:42
19	performed back in 2009 and 2010, as we are here	04:37:46
20	today?	04:37:50
21	MS. HARTJES: Object to form.	04:37:54
22	THE WITNESS: At a point in time when I	04:37:56
23	stopped representing them, I turned all the	04:37:57
24	physical files over to the next attorneys, so,	04:37:59
25	yes, it's definitely possible.	04:38:07

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## Transcript of Daniel Patrick Burke

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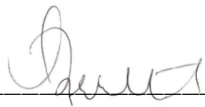
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## C E R T I F I C A T E

I, LISA M. BARRETT, RPR, CRR, CRC, CSR  
do hereby certify that the witness was first duly  
sworn by me and that I was authorized to and did  
report said proceedings.

I further certify that the foregoing  
transcript is a true and correct record of the  
proceedings; that said proceedings were taken by  
me stenographically and thereafter reduced to  
typewriting under my supervision; that reading and  
signing was requested; and that I am neither  
attorney nor counsel for, nor related to or  
employed by, any of the parties to the action in  
which this deposition was taken; and that I have  
no interest, financial or otherwise, in this case.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 25th day of January, 2022.



\_\_\_\_\_  
Lisa M. Barrett, RPR, CRR, CRC, CSR

Certified Realtime Court Reporter

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